

Court of Appeals, State of Michigan

ORDER

American Fellowship Mutual Insurance Co v Michelle Edwards

Cynthia Diane Stephens
Presiding Judge

Docket No. 296293

Kirsten Frank Kelly

LC No. 09-014215-CK

Karen M. Fort Hood
Judges

The Court orders that the motion for immediate consideration is GRANTED.

In light of appellee's concession that Michigan law does not recognize an independent action for "bad faith" arising out of an insurer's failure to pay its obligations under an insurance contract, the motion for peremptory reversal under MCR 7.211(C)(4) is GRANTED IN PART. The trial court erred in ruling that appellee could amend her counter-complaint to add a claim for bad faith. See *Runions v Auto Owners Ins Co*, 197 Mich App 105, 110; 495 NW2d 166 (1992).

The application for leave to appeal is DENIED for failure to persuade the Court of the need for immediate appellate review.

The motion to waive the stay requirements of MCR 7.209(A)(3) is GRANTED.

The motion for stay is DENIED.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 26 2010
Date

Sandra Schultz Mengel
Chief Clerk